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EXAMINER

LOVEL, KIMBERLY M

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/809,172

Applicant(s)

PAEK ET AL.

Examiner

Kimberly Lovel

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the amendment filed 19 December 2006.
2. Claims 1-27 are pending in this application. Claims 1, 20, 21 and 25 are independent. In the Amendment filed 19 December 2006, claims 1, 5, 11, 14, 17, 18, 20-22 and 25-27 have been amended. This action is made Final.
3. The rejection of claims 1-5, 10, 12, 15, 17 and 19-27 as being anticipated by US PGPub 2005/0086217 to Kraft et al and claims 6, 13 and 16 as being unpatentable over US PGPub 2005/0086217 to Kraft et al in view of US PGPub 2004/0030741 to Wolton et al have been withdrawn as necessitated by amendment.

Drawings

4. The objections to the drawing are withdrawn as necessitated by amendment.

Claim Objections

5. Claim 25 is objected to because the claim recites the limitation "the associated parameters" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 1-20 and 25-27** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claims 1 and 25**, the claims are for an computer-implemented interface. All of the elements claimed could be reasonably interpreted in light of the disclosure by an ordinary artisan as being software alone, and thus is directed to software *per se*, which fails to represent a statutory category (i.e., process, machine, manufacture, composition of matter and improvements thereof).

According to MPEP section 2106:

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Therefore, in order for such a software claim to be statutory, it must be claimed in combination with an appropriate medium and/or hardware to establish a statutory category of invention and enable any functionality to be realized.

Claims 2-19, which are dependent on the system of claim 1 and **claims 26-27**, which are dependent on claim 25 fail to overcome the deficiencies of the claims, and therefore are rejected on the same grounds.

Claim 20 recites a computer-implemented system. Even though claim 20 recites a system, the system can comprise entirely of software *per se* according to one of ordinary skill in the art. Therefore, since the system fails to contain hardware, the system fails to fall within one of the statutory categories (Process, Machine, Manufacture, Composition of Matter and Improvements thereof).

According to MPEP 2106:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

To allow for compact prosecution, the examiner will apply prior art to these claims as best understood, with the assumption that applicant will amend to overcome the stated 101 rejections.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. **Claims 1-6, 10, 12 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,768,497 to Baar et al (hereafter Baar) in view of US PGPub 2005/0086217 to Kraft et al (hereafter Kraft).**

Referring to claim 1, Baar discloses a computerized interface for data presentation, comprising:

a lens component [lens 410] associated with a portion of a user interface display, the lens component defines an area [region of interest] to display information (see column 5, lines 58-62); and

a layout component that displays a detailed subset of information within the area defined by the lens component (see column 8, lines 9-57), the detailed subset of information is animated to enlarge in size as compared to information outside of the area defined by the lens (see column 5, lines 52-67; column 6, lines 48-50; column 9, lines 34-40 and Fig 4).

While Baar discloses that the concept of detail-in-context viewing can be applied to text (see column 4, lines 25-39), Baar fails to explicitly disclose the further limitation of the user interface being applied to search results. Kraft discloses a user interface for allowing a user to dynamically change the detail of data (see abstract), including the further limitation of changing the amount of detailed displayed in a list of search results (see [0027], lines 1-15) in order to increase the rate at which a user can determine a useful result.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the user interface of Baar with the search results disclosed by Kraft. One would have been motivated to do so in order to increase the rate at which a user can determine a useful result since detail-in-context presentations allow for

magnification of a particular region of interest in a representation while preserving visibility of the surrounding representation.

Referring to claim 2, the combination of Baar and Kraft (hereafter Baar/Kraft) discloses the system of claim 1, further comprising at least one search engine and at least one local or remote database [web] to retrieve the search result (Kraft: see [0027], lines 2-5).

Referring to claim 3, Baar/Kraft discloses the system of claim 1, the layout component receives user inputs that operates, alters, or selects display criteria of the lens component and other search results (Baar: see column 8, lines 17-21).

Referring to claim 4, Baar/Kraft discloses the system of claim 3, further comprising one or more parameters [lens characteristics] that effect the display criteria (Baar: see column 8, lines 17-21).

Referring to claim 5, Baar/Kraft discloses the system of claim 4, the parameters include at least one of a lens size [size], a lens shape [shape], a lens location, a magnification factor [magnification control], a presentation rate, a delay, a trigger, or a minimum font size (Baar: see column 8, lines 17-21).

Referring to claim 6, Baar/Kraft discloses the system of claim 1, further comprising at least one other lens component to display information [in order to provide the user with an immediate view of certain regions of a document, items of interest such as article headlines, whole articles, or advertisements can have lenses 410 in place when the document is 1st viewed] (Baar: see column 6, lines 2-5).

Referring to claim 10, Baar/Kraft discloses the system of claim the system of claim 1, further comprising a display option for controlling a rate of magnification [zoom level] for the lens component by using a factor as a target and incrementally adjusting a zoom until the target is reached (Kraft: see [0027], lines 5-11 and [0029] – the user continues to zoom until the zoom level meets the user's needs).

Referring to claim 15, Baar/Kraft discloses the system of claim 12, further comprising a content insertion parameter that is adjusted according to a rate of insertion or according to a size of information chunks (Baar: see column 8, lines 59-66).

Referring to claim 12, Baar/Kraft discloses the system of claim 10, further comprising a parameter that controls a size of zoom increments [offset value] (Kraft: see [0032], lines 1-4).

Referring to claim 16, Baar/Kraft discloses the system of claim 1, further comprising a control panel to allow designers to adjust display parameters for the lens component or the layout component (Baar: see column 6, lines 1-10 and column 8, lines 16-57).

Referring to claim 17, Baar/Kraft discloses the system of claim 1, further comprising a display output associated with at least one of an instant information view or a dynamic information view (Baar: see column 9, lines 46-51 and Fig 4).

Referring to claim 18, Barr/Kraft discloses the system of claim 17, the dynamic view is coordinated with an amount of information to progressively insert additional information [additional data] associated with at least one search result [region of interest] into the detailed subset of information according to an amount of time a mouse

hovers over the at least one search result [region of interest] (Baar: see column 8, lines 58-67).

Referring to claim 19, Baar/Kraft discloses a computer readable medium [tangible media] having computer readable instructions [program source code] stored thereon for implementing the components of claim 1 (Baar: see column 3, lines 42-46 and column 10, lines 1-15).

Referring to claim 20, Baar discloses a computer-implemented system for displaying query results, comprising:

means for processing in accordance with a lens [lens 410] (see column 5, lines 58-62);

means for displaying at least one search result from within the lens and other search results outside the lens (see column 5, lines 58-62 and Fig 4); and

means for animating the at least one search result displayed within the lens to magnify it in size as compared to other search results outside the lens (see column 5, lines 52-67; column 6, lines 48-50; column 9, lines 34-40 and Fig 4).

While Baar discloses that the concept of detail-in-context viewing can be applied to text (see column 4, lines 25-39), Baar fails to explicitly disclose the further limitations of means for retrieving search results from a database and the user interface being applied to search results. Kraft discloses a user interface for allowing a user to dynamically change the detail of data (see abstract), including the further limitations of means [search engine] for retrieving search results from a database [web] (see [0027], lines 2-10) and changing the amount of detailed displayed in a list of search results (see

[0027], lines 1-15) in order to increase the rate at which a user can determine a useful result.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the user interface of Baar with the search results disclosed by Kraft. One would have been motivated to do so in order to increase the rate at which a user can determine a useful result since detail-in-context presentations allow for magnification of a particular region of interest in a representation while preserving visibility of the surrounding representation

Referring to claim 21, Baar discloses a method for automatic search result organization, comprising:

defining a plurality of parameters [magnification control, size and shape] for displaying search results [region of interest] (see column 8, lines 16-21);

defining a lens region [lens 410] to display at least one of the search result [region of interest]; and

displaying at least one of the search results within the lens region and at least one other search result outside the lens region (see Fig 4).

While Baar discloses that the concept of detail-in-context viewing can be applied to text (see column 4, lines 25-39), Baar fails to explicitly disclose the further limitation of the user interface being applied to search results. Kraft discloses a user interface for allowing a user to dynamically change the detail of data (see abstract), including the further limitation of changing the amount of detailed displayed in a list of search results

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(see [0027], lines 1-15) in order to increase the rate at which a user can determine a useful result.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the user interface of Baar with the search results disclosed by Kraft. One would have been motivated to do so in order to increase the rate at which a user can determine a useful result since detail-in-context presentations allow for magnification of a particular region of interest in a representation while preserving visibility of the surrounding representation

Referring to claim 22, Baar/Kraft discloses the method of claim 21, the parameters include at least one of a lens size [size], a lens shape [shape], a lens location, a magnification factor [magnification control], a viewing rate, a delay, a trigger, and a minimum font size (Baar: see column 8, lines 17-21).

Referring to claim 23, Baar/Kraft discloses the method of claim 22, further comprising providing a focal center [focal region 233] for the lens region (Baar: see column 8, lines 59-63).

Referring to claim 24, Baar/Kraft discloses the method of claim 23, further comprising controlling a rate of magnification for the lens region by using a factor as a target and incrementally adjusting a zoom until the target is reached (Baar: see column 8, lines 22-28).

Referring to claim 25, Baar discloses a graphical user interface, comprising:
one or more data items (see Fig 4) ;
one or more display objects created for the data items (see Fig 4);

an input component [pointing device] for selecting the data items and the associated parameters (see column 8, lines 16-37); and

a lens component [lens 410] to present at least one of the display objects in a different format with respect to a collection of the data items (see column 5, lines 58-62).

While Baar discloses that the concept of detail-in-context viewing can be applied to text (see column 4, lines 25-39), Baar fails to explicitly disclose the further limitation of the user interface being applied to search results. Kraft discloses a user interface for allowing a user to dynamically change the detail of data (see abstract), including the further limitation of changing the amount of detailed displayed in a list of search results (see [0027], lines 1-15) in order to increase the rate at which a user can determine a useful result.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the user interface of Baar with the search results disclosed by Kraft. One would have been motivated to do so in order to increase the rate at which a user can determine a useful result since detail-in-context presentations allow for magnification of a particular region of interest in a representation while preserving visibility of the surrounding representation

Referring to claim 26, Baar/Kraft discloses the interface of claim 25, further comprising controls for interacting with a search engine, a database [web], the display objects or the lens component [results] (Kraft: see [0027], lines 2-5).

Referring to claim 27, Baar/Kraft et al disclose the interface of claim 25, the display objects are associated with at least one of text insertion [additional information], query-relevant text insertion, thumbnails of a web page, information about a size of a result, a download speed, and a recency of a page (Baar: see column 8, lines 59-67).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,768,497 to Baar et al in view of US PGPub 2005/0086217 to Kraft et al as applied to claim 12 above, and further in view of US PGPub 2004/0030741 to Wolton et al (hereafter Wolton et al).**

Referring to claim 13, Baar/Kraft discloses zoom increments. However, Baar/Kraft fails to explicitly disclose the further limitation wherein the zoom increments are controlled with a step function. Wolton et al disclose zoom increments, including the further limitation wherein the zoom increments are controlled with a step function (see [00561], lines 3-9) in order to provide the user-friendly interface.

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of using steps to define the increments as disclosed by Wolton et al with the display of Baar/Kraft. One would have been motivated to do so in order to provide the a user-friendly interface.

14. Claims 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,768,497 to Baar et al in view of US PGPub 2005/0086217 to Kraft et al as applied to claim 1 above, and further in view of US PGPub 2002/0083101 to Card et al (hereafter Card et al).

Referring to claim 7, Baar/Kraft discloses a lens component. However, Baar/Kraft fails to explicitly disclose the further limitation wherein the lens component is a fisheye lens. Card et disclose displaying search results (see abstract), including the further limitation wherein the lens component is defined as a fisheye lens that is applied vertically to a display at about a focal center of the display (see [0081], lines 6-9 and [0114]) in order to provide the a user-friendly interface.

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of a fisheye lens as disclosed by Card et al with the display of

Baar/Kraft. One would have been motivated to do so in order to provide the a user-friendly interface.

Referring to claim 8, the combination of Kraft et al and Card et al (hereafter Kraft/Card) discloses the system of claim 7, the focal center includes one result item comprising a title, description [region 1710] (Card et al: see [0114]), and URL of a web page.

Referring to claim 9, Kraft/Card discloses the system of claim 7, the fisheye lens is associated with a piecewise view (Card et al: see [0114]).

15. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,768,497 to Baar et al in view of US PGPub 2005/0086217 to Kraft et al as applied respectively to claims 10 and 12 above, and further in view of US PGPub 20050168488 to Montague (hereafter Montague).

Referring to claim 11, Baar/Kraft discloses a displaying content including animated content. However, Baar/Kraft fails to explicitly disclose the further limitation of animated content that enlarges and settles into a maximum size. Montague discloses displaying information (see abstract) including the further limitation of a display of animated content that enlarges and settles into a maximum size (see [0010]).

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of displaying animated content as disclosed by Montague with the display of Baar/Kraft. One would have been motivated to do so in order to provide the a user-friendly interface that can display different types of information.

Referring to claim 14, Baar/Kraft discloses a displaying content. However, Baar/Kraft fails to explicitly disclose the further limitation of geometric or exponential functions that allow data to grow or settle at varying acceleration. Montague discloses displaying information (see abstract) including the further limitation of geometric or exponential functions that allow data to grow or settle at varying acceleration (see [0054]).

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of geometric functions as disclosed by Montague with the display of Baar/Kraft. One would have been motivated to do so in order to provide the a user-friendly interface that can display different types of information.

Response to Arguments

16. Applicant's arguments regarding the rejections of claims 1-20 and 25-27 under 35 U.S.C. 101 have been fully considered but they are not persuasive. As described above, the insertion of computer-implemented fails to overcome the previous rejections.

17. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel
Examiner
Art Unit 2167

2 March 2007
kml


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SUPERVISORY PATENT EXAMINER
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